



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 14, 2003
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Absent: None. Late arrival: Paul J. Escobar arrived at 9:45 a.m. Meeting was called to order at 9:03 a.m. and the invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS & CERTIFICATES

1. Seatbelt Awareness Month
2. Dr. Martin Luther King, Jr. Day
3. Dr. Martin Luther King, Jr. Canned Food Drive Week

Motion made by Representative Medina, seconded by Representative Sariñana and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Motion made, seconded and unanimously carried to move to the Regular Agenda the Resolution approving the City of El Paso's Legislative Agenda for the 78th Texas Legislative Session and adopting a Statement of Policy for the City of El Paso regarding Legislation in the 78th Texas Legislature and actions before State Administrative Agencies.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to postpone one (1) week the Resolution approving the City of El Paso's Legislative Agenda for the 78th Texas Legislative Session and adopting a Statement of Policy for the City of El Paso regarding Legislation in the 78th Texas Legislature and actions before State Administrative Agencies.

Representative Medina explained that the 78th Texas Legislative session had begun today; however, he requested that the matter be postponed for no more than two weeks for further discussion. He then requested that a Legislative Review Committee of the Whole be scheduled for the coming Friday, January 17, 2003. Representative Cook seconded the Motion to postpone. Representative Medina revised the motion to postpone the matter for one (1) week.

Ms. Theresa Caballero, citizen, requested that the Legislative Review Committee of the Whole meeting be schedule for the evening to allow for public discussion.

***RESOLUTION**

WHEREAS, on December 17, 2002, the City Council of the City of El Paso resolved to place a lien in the amount of Five Hundred Twenty and 68/100 (\$520.68) on the property located at:

400 Block of San Saba, City of El Paso, El Paso County

as a result of the aforementioned property owner's failure to comply with Chapter 9.04 of the El Paso City Code, and failure to remit payment to the City for work done by the City Sanitation Department as a result of this failure to comply with Chapter 9.04; and

WHEREAS, the City Council has now been informed that the agenda contained a typographical error in the municipally known and numbered address;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council hereby rescinds its action of December 17, 2002, resolving to place a lien on the property located at the 400 Block of San Saba, and instructing the City Clerk to file a copy of that Resolution as notice of that Lien.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total</u>
10161 Singapore Avenue	\$94.18	\$15.42	\$109.60

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Juvenile Accountability Incentive Block Grant in the amount of \$185,325.00 from the Office of the Governor, Criminal Justice Division, for the purpose of continuing enforcement strategies to curtail underage drinking in border communities; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. Matching funds required in the amount of \$22,222.00.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds or Juvenile Accountability Incentive Block Grant funds, the funds will be returned to the Office of the Governor, CJD in full.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including all understandings and assurances contained therein, to the Office of the Governor, Criminal Justice Division for Criminal Justice Planning grant funds in the amount of \$29,800.00 to pay for training, travel and the printing of domestic abuse information brochures by the Police Department. No matching funds required. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds, the funds will be returned to the Office of the Governor, Criminal Justice Division, in full.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including all understandings and assurances contained therein, to the United States Department of Health and Human Services for Violence Prevention for Families grant funds in the amount of \$150,000.00 to pay for travel, equipment and supplies to be used by the Police Department in connection with a youthful female violence prevention program and to fund contracts for counseling and forensic interview services to be performed by outside agencies. No matching funds required.

That the El Paso City Council agrees in the event of loss or misuse of grant funds, the funds will be returned in full.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Appraisal Services in an amount not to exceed One Thousand One Hundred and No/100ths (\$1,100) Dollars between the City of El Paso and Stewart and Associates for the appraisal of the following parcel, in partial fulfillment of the San Juan Parking Lot acquisition project, a 27th Year (2001-2002) Community Development Project:

Lots 25 & 26 Block 8, Hughes Subdivision of Block 2 of Alameda Acres, an addition to the City of El Paso, El Paso County, Texas according to the plat thereof, on file in Volume 13, Page 16, Real Property Records, El Paso County, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Forgivable Loan Agreement, by and between the City of El Paso and Ysleta Independent School District (YISD), for the project known as "Comprehensive Care Center". The project is funded in the 28th (2002-2003) Community Development Program Year for design in the amount of \$39,490.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Receipt and Release Agreement in order to acknowledge receipt of the sum of \$6,494.44 relating to a non-judicial foreclosure by a third party lien holder on the property known as 3805 Bliss, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Museum Director be authorized to apply, on behalf of the El Paso Museum of Art, to the Texas Commission on the Arts Apprenticeship Program for a grant of \$5,000 to fund a 12½ week Apprenticeship in the Museum's Education department, and that the Mayor be authorized to sign any required contracts and related documents to accept funding of that amount or any lesser amount approved by the Texas Commission on the Arts. The required match will be in-kind.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Museum Director be authorized to apply, on behalf of the El Paso Museum of Art, to the Texas Commission on the Arts Exhibition Support Program for a grant of \$12,500 to assist with the exhibition of *Emmet Gowin: Changing the Earth*, and that the Mayor be authorized to sign any required contracts and related documents to accept funding of that amount or any lesser amount approved by the Texas Commission on the Arts. The required match will be in-kind.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Museum Director be authorized to apply, on behalf of the El Paso Museum of Art, to the Texas Commission on the Arts Exhibition Preparation Program for a grant of \$9,000 to assist with the preparation of *Veils*, an exhibition of the work of Rachelle Thiewes and Susan Davidoff, and that the Mayor be authorized to sign any required contracts and related documents to accept funding of that amount or any lesser amount approved by the Texas Commission on the Arts. The required match will be in-kind.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Museum Director be authorized to apply, on behalf of the El Paso Museum of Art, to the Texas Commission on the Arts for a grant of \$1,000 to assist with expenses related to the 2003 National Art Education Association Conference, and that the Mayor be authorized to sign any required contracts and related documents to accept funding of that amount or any lesser amount approved by the Texas Commission on the Arts. The required match is budgeted.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$38,333.34 from The Robert and Mabel Lipscomb Foundation and to sign any related documents. The funds are granted for the purchase of works of art for the Museum. No matching funds are required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$3000 from The Shiloff Family Foundation and to sign any related documents. This is an undesignated gift. No matching funds are required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art.

Event:	Meeting
Licensee:	Rio Grande Chapter Appraisal Institution
Date:	January 24, 2003
Time:	8:00 a.m. - 5:00 p.m.
Charge for Space:	\$400.00
Charge for Staff (est.):	-0-
Charge for Insurance:	\$40.00
Area(s):	Café

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*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Contract with **BRUCE J. PONDER** for professional services as Hearing Officer for the Civil Service Commission, for a period from January 15, 2003 through February 19, 2004, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract with **PATRICIA PALAFOX** for professional services as Hearing Officer for the Civil Service Commission, for a period from February 20, 2003 through February 19, 2004, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract with **BRUCE YETTER** for professional services as Hearing Officer for the Civil Service Commission, for a period from February 20, 2003 through February 19, 2004, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ANNETTE MORALES** to assist the Financial and Administrative Services Department at an hourly rate of \$9.67 for up to 29 hours per week. The term of the contract shall be for the period of January 15, 2003 through January 14, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **FERNANDO LEYVA** for the El Paso Library to be paid at the rate of \$5.34 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from January 15, 2003 through January 14, 2004. This contract is subject to the approval of the Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **MARIZA GUTIERREZ** for the El Paso Library to be paid at the rate of \$5.34 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from January 15, 2003 through January 14, 2004. This contract is subject to the approval of the Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **VANESSA VALDEZ** for the El Paso Library to be paid at the rate of \$5.34 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from January 15, 2003 through January 14, 2004. This contract is subject to the approval of the Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARINA GUTIERREZ**, as an Undergraduate Intern for the Planning, Research and Development Department at the rate of \$7.50 per hour, not to exceed 40 hours per week. The term of the contract shall be from January 15, 2003 through January 14, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **VICTOR A. ARAGONES** to assist the Metropolitan Planning Organization (MPO) as a Transportation Planner I for 40 hours per week at a biweekly rate of \$1,274.41. The term of the contract shall be for the period of January 15, 2003 through January 14, 2004.

Mr. Roy Gilyard, Metropolitan Planning Organization, remarked that Victor A. Aragones would not be assisting the Community Development Department (as noted in the backup information provided to Council Members); but rather, the Metropolitan Planning Organization.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ERIN SCHWARZBAUER**, as an Undergraduate Intern for the Community and Human Development Department at the rate of \$7.25 per hour for 16 hours per week. The term of the contract shall be from January 15, 2003 through May 2, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **HECTOR H. LOPEZ** to assist the Economic Development Department as an Industry Development Advisor for 40 hours per week at an annual rate of \$37,000. The term of the contract shall be for the period of January 15, 2003 through June 9, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CHRISTINA MILAM** to assist the Economic Development Department as a Departmental Research Assistant at an hourly rate of \$13.82 for 40 hours per week. The term of the contract shall be for the period of January 15, 2003 through January 14, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **GABRIELA MARTINEZ** to assist the Community Development Department as a Grants Planner-SAMHSA Project Manager for 40 hours per week at a biweekly rate of \$1,346.15. The term of the contract shall be for the period of January 15, 2003 through January 14, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **NEIL J. DEVEREAUX** to assist the Human Resources Department as a Translator at an hourly rate of \$20.00, not to exceed 40 hours per week. The term of the contract shall be for the period of January 15, 2003 through January 14, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Dedication Deed from COLONY PARTNERS L.P., A TEXAS LIMITED PARTNERSHIP, conveying to the City of El Paso a 4.612 acre parcel of land, more or less, being *a portion of H.G. Foster Survey 262, City of El Paso, El Paso County, Texas*, in exchange for parkland credits pursuant to Title 19 (Subdivisions) of the El Paso Municipal Code; and is further authorized to sign an agreement concerning such conveyance of property to the City of El Paso.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to move to forefront and to the Regular Agenda the Appointment of Alan Landry as Economic Development Director (provisional) effective January 14, 2003.

Mayor Caballero stated for the record that the appointment of Mr. Landry was provisional and that Mr. Landry was well supported by the Chambers of Commerce throughout the City and that Mr. Landry would make a great leader.

Mr. Alan D. Landry, Provisional Director of Economic Development, read from a prepared statement and thanked all who supported and believed in him. He answered questions from and responded to comments made by the Council Members.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried that Alan Landry be appointed Economic Development Director (provisional), effective January 14, 2003 at an annual salary of \$108,467 including health insurance benefits. The City will contribute \$251 biweekly to a deferred compensation plan for Mr. Landry.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to recess the City Council meeting at 11:20 a.m. for a press conference in honor of Mr. Landry's appointment.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconvene the City Council meeting at 11:34 a.m. following the press conference.

*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Library Information Specialist II (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Purchasing Department

Delete	1.00	Procurement Analyst	PM 75
Add	1.00	Administrative Analyst	PM 78

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Wilderness Park Museum

Add	1.00	Assistant Educator	PM 70
Add	1.00	Assistant Curator	PM 70
Delete	1.00	Museum Education Curator	PM 77

*Motion made, seconded and unanimously carried to appoint Raymond P. Rutledge to the Historic Landmark Commission by Representative Paul Escobar.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID # 2000-999-2814-0042, \$521.68 per month installments on a balance of \$3,130.08 for 2001; Mid America Door Co % Hector Rubio – 8029 Alameda.
- B. PID # V897-999-0630-2600 & V897-999-0630-2800, \$799.60 per month installments on a balance of \$19,190.40 for 1999, 2000 & 2001; Celia O. Garcia 1833 Polly Harris Dr.
- C. PID # X215-999-0000-7505, \$605.27 per month installments on a balance of \$3,631.62 for 2001; Dwayne M Aboud – Nancy O Laster – 5407 Mesa.

*Motion made, seconded and unanimously carried to approve Change Order No. Four (Construction Change) to J.A.R. Concrete for “Mesa Terrace Subdivision Street Improvements” for a decreased amount of \$2,709.50 to install 4” rolled curb from Quitman St. to Montana Ave. on Huckleberry St., adjust street elevations at Quitman & Huckleberry, and delete work at 5008-5010 Quitman, 4904 Quitman, 1105 Selden & 1101 Chadbourne.

*Motion made, seconded and unanimously carried to approve that the Director of Purchasing be authorized to issue a Purchase Order to Xanalis, Inc. in the amount of **\$39,850.00**. Xanalis, Inc. is the sole provider of maintenance and support for Watson Powercase and Quenza software products. Contract agreement January 18, 2003 through January 17, 2004 and any extension thereof. Additionally, it is requested that Mayor be authorized to sign any additional documents, contract, and/or agreements.

*Motion made, seconded and unanimously carried to approve that the Director of Purchasing be authorized to issue a Purchase Order to PerkinElmer Life Sciences as they are the sole manufacturer and Distributor of the Victor Multi-Label Plate Reader which is a Bio Terrorist Assessment Package.
Contract Number 2003-086.

Award amount: \$46,915.06
Funds available: 41150015-06068-508012 Grant G410322
Health TDH Bio Terrorist Lab FY03, Medical/Scientific Equipment
Department: City-County Health

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-272 POLICE

To process purchase requests prior to the ending date of the grant. The funding will be used to purchase laptop computers for various sections within the Department.

Increase	\$9,390.13	to	21150048/G21022305335/405066	Interest Rev
Increase	\$9,390.13	to	21150048/G21022305335/508010	Data Proc

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*Motion made, seconded and unanimously carried to approve budget transfer BT2003-281 POLICE

The Mayor was authorized to sign an Interlocal Agreement by and among the City of El Paso, the County of El Paso and the West Texas Community Supervision and Corrections Department on December 10, 2002. This agreement is for the continuation of "Project Spotlight", a program to provide intensive supervision and surveillance of youth and young adults who are on probation.

Increase	\$49,157.00	to	21150002/G21032205886/406001	StateGrantPro
Increase	\$49,157.00	to	21150002/G21032205886/502215	OutsdCont

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*Motion made, seconded and unanimously carried to approve budget transfer BT2003-282 POLICE

The Mayor was authorized to sign an Interlocal Agreement by and among the City of El Paso, the County of El Paso and the West Texas Community Supervision and Corrections Department on December 10, 2002. This agreement is for the continuation of "Project Spotlight", a program to provide intensive supervision and surveillance of youth and young adults who are on probation.

Increase	\$53,032.00	to	21150002/G21032105885/406001	StateGrantPro
Increase	\$49,157.00	to	21150002/G21032105885/502215	OutsdCntNOC
Increase	\$ 3,875.00	to	21150002/G21032105885/504201	Travel

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*Motion made, seconded and unanimously carried to approve budget transfer BT2003-283 POLICE

The Mayor was authorized to sign an Interlocal Agreement by and among the City of El Paso, the County of El Paso and the West Texas Community Supervision and Corrections Department on December 10, 2002. This agreement is for the continuation of "Project Spotlight", a program to provide intensive supervision and surveillance of youth and young adults who are on probation.

Increase	\$92,225.00	to	21150002/G21032005882/406001	State Grants
Increase	\$89,475.00	to	21150002/G21032005882/502215	OutsdCntNOC
Increase	\$ 2,750.00	to	21150002/G21032005882/504201	Travel

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*Motion made, seconded and unanimously carried to approve budget transfer BT2003-287 PARKS AND RECREATION

This budget transfer transfers revenues from Parkland Dedication Fees to the proper fund and appropriates money for park construction. Parkland Dedication Fees are paid by developers based upon City Ordinance.

Increase	\$25,695.19	to	51159242/P51800008716061/407001	IntrafundTrans
Increase	\$25,695.19	to	51159242/P51800008716061/508004	Pub Use

ORDINANCE 15330

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 1G1, BLOCK 5, ASCARATE GRANT, EL PASO, EL PASO COUNTY, TEXAS (580 GILES ROAD) FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Adauto, Director of Planning, Research and Development, gave a Powerpoint presentation regarding the zoning change request and noted that the Department had received two letters in opposition.

Representative Sariñana noted that a petition containing over 40 signatures was forthcoming and commented on the three conditions placed on the zoning change request.

Pastor Jim Connell, Pastor San Juan Lutheran Church, was agreeable to the conditions imposed; however, requested that the church's new owners be given six months to comply with the Ordinance language.

Ms. Adauto answered questions from and responded to comments made by Representative Sariñana regarding the imposition of the conditions and requirements of the City Code.

Representative Sariñana stated that three months time should be sufficient and moved to approve the Ordinance.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Sariñana, seconded by Representative Medina, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos		
NAYS:	None	Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was revised to add "imposing certain conditions".

ORDINANCE 15331

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 87, SUNRISE ACRES #1, EL PASO, EL PASO COUNTY, TEXAS (8410 MERCURY) FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Adauto, Director of Planning, Research and Development, gave a Powerpoint presentation and explained the zoning change request. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rodriguez, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15332

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 3B2, SECTION 43, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILROAD SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (6062 POMPAÑO STREET) FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Adauto, Director of Planning, Research and Development, gave a Powerpoint presentation and explained the zoning change request. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15333

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 23, VISTA GRANADA UNIT THREE, EL PASO, EL PASO COUNTY, TEXAS (GEORGE DIETER DRIVE NORTH OF ROJAS DRIVE) FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Adauto, Director of Planning, Research and Development, gave a Powerpoint presentation and explained the zoning change request. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15334

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 22A, BLOCK 54, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (CASTNER DRIVE BETWEEN KESSLER & DIESEL DRIVE) FROM P-I (PLANNED INDUSTRIAL) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Adauto, Director of Planning, Research and Development, gave a Powerpoint presentation and explained the zoning change request. She explained that the applicant proposed an extreme-war paintball/games entertainment complex. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval. She answered questions from and responded to comments made by the Council Members.

Representative Sariñana commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Council Member Sumrall was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15335

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 2 AND TRACT 3, BLOCK D, CHRISTY TRACT, EL PASO, EL PASO COUNTY, TEXAS (7814 CRADDOCK AVENUE) FROM R-F (RANCH AND FARM) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Adauto, Director of Planning, Research and Development, gave a Powerpoint presentation and explained the zoning change request. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

Mr. Pablo Martinez, property owner, answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Council Member Sumrall was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15336

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, SECTION 40, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD SURVEYS (EDGEMERE BOULEVARD EAST OF JOE BATTLE BOULEVARD) FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Aauto, Director of Planning, Research and Development, gave a Powerpoint presentation and explained the zoning change request. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
ABSTAIN: Council Member Sumrall
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15337

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, SECTION 40, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (TIERRA ESTE ROAD SOUTH OF EDGEMERE BOULEVARD) FROM R-3A (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia D. Aauto, Director of Planning, Research and Development, gave a Powerpoint presentation and explained the zoning change request. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3831 Mountain Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 1 & 2, Block 77, Grandview

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Michael and Beth Manwaring, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 14th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be vacated and secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for March 4th, 2003 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the Department's recommendations. He answered questions from and responded to comments made by the Council Members Sumrall.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Rodriguez, seconded by Representative Power and unanimously carried to close the Public Hearing.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to accept the Department's recommendations, approving the above Resolution.

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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 9300 Carranza Drive, in El Paso, Texas, which property is more particularly described as follows:

Lot: 247, Third Section Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 2, Page 59, plat records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Ruben Arroyo, record Owner, and all mortgages and lien holders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 14th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. All abandoned/junk vehicles be removed from property within 30 days; and
 - c. The dilapidated side carport adjoining the main structure and property line be demolished within 30 days; and
 - d. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - e. That a public hearing be scheduled for March 11th, 2003, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - f. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - g. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.

- h. That upon failure of the Owner to comply with this Resolution, any mortgagees, lien holder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
- 3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure, and remove from the property all abandoned/junk vehicles, and demolish the dilapidated side carport adjoining the main structure and property line, and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
- 4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and removing from the property all abandoned/junk vehicles, and demolishing the dilapidated side carport adjoining the main structure and property line and cleaning the premises of all weeds, trash and debris; and
- 5. That the costs incurred by the City in connection with securing and maintaining the Building secure and removing from the property all abandoned/junk vehicles, and demolishing the dilapidated side carport adjoining the main structure and property line and cleaning the premises of all weeds, trash and debris; and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
- 6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
- 7. That upon failure of the Owner, any mortgages or lien holders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
- 8. The Owners, any mortgagees, or lien holders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
- 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
- 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the Department's recommendations. He answered questions from and responded to comments made by the Council Members.

Representative Power questioned whether or not the City notified the mortgage companies when property owners were in violation of not maintaining their properties.

Ms. Rita Rodriguez, City Attorney, responded yes, the City does notify lienholders.

Representative Escobar commented on the amount of taxes due for the property.

Mayor Ray Caballero questioned Ms. Rodriguez regarding what legal obligations lienholders have.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, provided further legal information pertaining to the property.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to approve the Department's recommendations, approving the above Resolution.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 634 Casa Grande Place, in El Paso, Texas, which property is more particularly described as follows:

Lot: 226, Third Section Singh Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in book 2, page 59, plat records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Consuelo Luna, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 14th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for March 11th, 2003, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolishing of the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the Department's recommendations.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to accept the Department's recommendations, approving the above Resolution.

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 Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone one (1) week the discussion and action on City Council's continued support of Channel 44 remaining on Time Warner's cable basic service line.

Representative Medina moved to delete the item from the Agenda. Representative Sumrall seconded.

Mayor Caballero commented on the expense of the enhanced service offered by Time Warner and the community's inability to afford that service. He asked questions of Mr. Alan Spencer, General Manager of Time Warner.

Representatives Cobos, Medina, Sariñana and Sumrall commented in opposition of removing Channel 44 from Time Warner's cable basic service line programming.

Mr. Alan Spencer, General Manager of Time Warner, commented on the limited channel capacity on the lowest level offered by Time Warner and noted that Channel 44 had carried AZTECA programming; however Time Warner would be adding Station XHCJE to its programming in substitution of Channel 44. He stated that he had presented a letter to Council Members explaining Time Warner's decision.

Representative Cook requested that Representative Medina withdraw his Motion to delete. Representative Medina withdrew his motion.

Representative Cook moved that the City Council voice their displeasure with Time Warner's decision although the Council understands the economic implications. Representative Cobos seconded.

Mayor Caballero requested that the facts behind Time Warner's decision be presented to the Council. He requested that the Council postpone the matter for one (1) week.

Representative Cobos withdrew his second.

Representative Cook moved to postpone one (1) week.

Mr. Rudy Mata, attorney representing Channel 44, stated that his client was unaware of Time Warner's decision not to renew its contract.

Mayor Caballero stated that the Council would not interfere in any legal matters; however, would provide a copy of Time Warner's letter to Mr. Mata.

Representative Cobos seconded Representative Cook's motion to postpone one (1) week.

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*Motion made, seconded and unanimously carried to postpone one (1) week the Introduction of an Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.08 (Building Code) by amending Section 18.08.050 (Section 501.2 Amended – Premises Identification), to modify the requirements for building numbering, the penalty being as provided in Section 18.02.107 of the Code.
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*Motion made, seconded and unanimously carried to postpone one (1) week the Introduction of an Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.5 (Existing Buildings), to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in Section 18.04.107 of the Code.
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*Motion made, seconded and unanimously carried to postpone one (1) week the Introduction of an Ordinance amending Title 18 amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103.3 (Examination of Documents), Section 18.02.103.7 (Fees) and Section 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as proved in Section 18.04.107 of the Code.
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Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A.** An Ordinance amending Ordinance No. 015116, which granted a Special Privilege permitting Sonia E. Cobos to encroach onto a portion of public right-of-way with a food-vending concession in the Downtown Area, by terminating Location 14 for non-payment purposes. SP-02002R

PUBLIC HEARING WILL BE HELD JANUARY 28, 2003 FOR ITEM A

- B.** An Ordinance changing the zoning of Lot 1, Block 1, NORMANDY ADDITION, El Paso, El Paso County, Texas (6363 Airport Road) from R-4 (Residential) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant /Representative: Rosa I. and Miguel Villalba, 6363 Airport Road, El Paso, TX 79925. ZC-02050 THIS IS AN APPEAL CASE.

- C. An Ordinance changing the zoning of Lots 5 & 6, Block 58, SUPPLEMENTAL MAP NO 1 OF EAST EL PASO ADDITION, El Paso, El Paso County, Texas (3507 Gateway West) from R-5 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Maria G. Solis/Representative: Maria Rodriguez, 4528 Britton, El Paso, TX 79904. ZC-02051
- D. An Ordinance changing the zoning of a Portion of Tract 4, Block 6 of Christy Tract In Block 31, YSLETA GRANT, El Paso, El Paso, Texas (Schwabe Street) from R-F (Ranch-Farm) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rosalinda Quezada/Representative: Joe Villa, 11853 Clara Barton, El Paso, TX 79936. ZC-02063
- E. An Ordinance changing the zoning of a Portion of Tract 2A4, Section 45, Block 79, Township 2, T & PRRC SURVEYS, El Paso, El Paso County, Texas (Zaragoza Road) from A-O/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real V, Ltd./ Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936. ZC-02064
- F. An Ordinance changing the zoning of the West one half of Lot 11, all of Lots 12 and 13, and the East eight feet of Lot 14, Block 109, GRANDVIEW ADDITION to the City of El Paso, El Paso County, Texas (4005-4007 Idalia Avenue) from C-1/sc (Commercial/special contract) to A-2/sc (Apartment/special contract). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Art Diaz, 444 Executive Center Boulevard #107, El Paso, TX 79902. ZC-02068
- G. An Ordinance amending Ordinance No. 6411 which changed the zoning of Lots 9-16, Block 109, GRANDVIEW ADDITION to the City of El Paso, El Paso County, Texas, and which imposed certain conditions, by deleting those conditions on the West one half of Lot 11, all of Lots 12 and 13, and the East eight feet of Lot 14, Block 109, GRANDVIEW ADDITION to the City of El Paso, El Paso County, Texas (4005-4007 Idalia Avenue). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Art Diaz, 444 Executive Center Boulevard #107, El Paso, TX 79902. SC-02008

PUBLIC HEARING WILL BE HELD FEBRUARY 4, 2003 FOR ITEMS B - G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

Mayor Caballero requested that the four items placed by Mr. Kenneth W. Schillinger be moved to the forefront and discussed simultaneously.

No action was taken on the discussion and action regarding the discrepancy in the duration of the moratorium period for the exercise of eminent domain in TIF districts two and three.

[Kenneth W. Schillinger]

Mr. Schillinger, President of Invest in El Paso Coalition, asked questions of Mayor and Council pertaining to the TIF Districts Two and Three.

Mayor Caballero answered questions from and responded to comments made by Mr. Schillinger.

Mr. Charlie McNabb, Chief Administrative Officer, provided explanation regarding the moratorium periods as decided by the City Council's actions at the January 7, 2003, City Council meeting.

Representatives Cook and Sumrall commented.

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No action was taken on the clarification of possible legal implications resulting from failure of City to carry out resolution of Council dated July 9, 2002 regarding notification to property owners in TIF district three. [Kenneth W. Schillinger]

Mr. Schillinger, President of Invest in El Paso Coalition, questioned whether or not there are legal implications resulting from the July 9, 2002, motion/resolution regarding sending notice to property owners in TIF District 3.

Mr. Charlie McNabb, Chief Administrative Officer, explained that over 7,000 individuals reside in TIF District 3; therefore, Council decided to hold open meetings rather than sending notice.

Representative Sumrall provided further clarification for Mr. Schillinger.

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No action was taken on the discussion and action regarding placing restrictions on the City's power to expend, pledge or otherwise encumber funds accrued for TIF districts two and three prior to adoption of a development plan for the districts. [Kenneth W. Schillinger]

Mr. Schillinger, President of Invest in El Paso Coalition, commented on placing restrictions on the accrual of the funds for TIF Districts Two and Three and requested that the Council guarantee that no bonds, encumbrances be placed on those funds prior to the development plan.

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No action was taken on the discussion and action regarding City's decision to withhold information requested by the Invest in El Paso Coalition under the Texas Open Records Act. [Kenneth W. Schillinger]

Mr. Schillinger, President of Invest in El Paso Coalition, questioned why information asked for by the Coalition had not been released as per the Coalition's Open Records request.

Ms. Rita Rodriguez, City Attorney, noted that as per the Attorney/Client communication privilege that information would not be released.

Mr. Larry Johnson, ASARCO representative, requested a drawing of the TIF District boundaries as ASARCO no longer wanted to be part of the TIF Districts and commented on "open government".

Ms. Marina Rios, citizen, questioned whether or not the administration would be fair to the citizens regarding the sending of notices to those residents residing within the TIF Districts and whether or not the information would be disseminated in a timely manner.

Ms. Vivian Rojas, citizen, addressed the lack of notification sent to the residents residing in TIF Districts Two and Three and requested that, for future reference, notifications be sent in Spanish as well. She requested that the City authority keep the residents informed so that fear and mistrust by the residents be stopped.

Mr. Alfonso Bautista, citizen, stated his support for the TIF Districts; however, requested that notices be sent to the residents living within the TIF Districts.

Ms. Patricia D. Adauto, Director of Planning, Research and Development Department, explained the different notices sent to residents regarding special permits, zoning and/or subdivision by the Department.

Mayor Caballero answered questions from and responded to comments made by the above speakers.

Ms. Theresa Caballero, citizen, requested that a Council Member vote to release the documents requested by the Invest in El Paso Coalition.

Representatives Cobos, Sariñana, and Sumrall commented.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign a letter engaging the services of PKF Consulting to conduct a market study to evaluate the potential for additional hotel facilities to support the newly renovated and expanded El Paso Convention Center.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to delete the Resolution that the Mayor be authorized to sign a letter engaging the services of PKF Consulting to conduct a market study to evaluate the potential for additional hotel facilities to support the newly renovated and expanded El Paso Convention Center.

Representative Sumrall was not present for the vote.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained that the last study was conducted in 1995. Due to recent renovations of the El Paso Convention Center, the study would be utilized as a tool for economic development purposes. He answered questions from and responded to comments made by the Council Members.

Representative Cook suggested that private sector entities such as the Hotel/Motel Association and/or Mr. Alan D. Landry, newly appointed provisional Economic Development Director, be tasked with conducting such a study.

Mayor Caballero commented on the recent Texas Democratic Convention held at the El Paso Convention Center and the lack of hotels able to support those attending the Convention.

Representative Sumrall requested that SMG partially pay for the study.

Mr. Charlie McNabb, Chief Administrative Officer, clarified that a broker(s) could not be utilized without the statistics that would come from the study. He answered questions from and responded to comments made by the Council Members.

Representatives Escobar, Medina, Cobos and Sariñana commented.

Representative Power requested that Mr. Landry be given this task.

Representative Sariñana questioned the funding source.

Mr. Chapman explained that TIF funds were to be utilized.

Ms. Lisa Turner, citizen, requested that the Council find alternatives to bring people downtown.

Ms. Theresa Caballero, citizen, stated that the task should be given to the newly appointed Economic Development Director as hiring PKF Consulting would be a duplication of services.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the date of the regular City Council meeting is changed as indicated below:

**Tuesday, February 11, 2003 is changed to
Thursday, February 13, 2003**

The time and location of the Meeting remains the same.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign the Second Amendment to the Professional Services Agreement between the City of El Paso and BRACEWELL & PATTERSON, LLP amending the scope of services to include state consulting and lobbying during the 78th Texas Legislative Session.

Representative Sumrall was not present for the vote.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign the Second Amendment to the Professional Services Agreement between the City of El Paso and BRACEWELL & PATTERSON, LLP amending the scope of services to include state consulting and lobbying during the 78th Texas Legislative Session.

Representative Cook moved to postpone for two (2) weeks.

Representative Medina commented on the conflict of interest language in the Contract for Bracewell & Patterson, LLP and proposed that the City of El Paso utilize the County of El Paso's lobbyists. He requested that Bracewell & Patterson provide a list of their current clients.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the conflict of interest language in the contract was standard and included in all the City's contracts. He stated that the Bracewell & Patterson contract was \$50,000, less than the City's last lobbyist's contract.

Representative Cobos questioned why Bracewell & Patterson had not submitted their monthly reports as per the City's contract as federal lobbyists do and noted that the Bracewell & Patterson firm was out-of-town.

Representative Cook withdrew his motion to postpone for two weeks and moved to postpone for one (1) week. Representative Rodriguez seconded.

Representative Power remarked that a suggestion was made, many weeks ago, to create a Legislative Review Committee to examine the City's Federal and State Legislative Agendas; however, Council chose not to do so.

Representative Sariñana commented.
.....

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a grant application on behalf of the El Paso Zoo for submission to the Institute of Museum and Library Services ("IMLS") and to sign the related contracts and documents should funds be granted, either in the requested amounts or at such lesser amounts as may be approved by the IMLS. The application, for the 2003 IMLS Learning Opportunities Grants, is for \$150,000 over two years to offset costs of two contract positions for a bilingual educator and a translator to expand the Zoo's educational outreach program. The new staff members will assist the Zoo in offering traveling safari and other wildlife conservation programs to children and the families of children who speak English as a second language or no English at all. An in-kind match by the City valued at \$223,200 will be required.

NOTE: Resolution was revised to read "An in-kind match by the City valued at **\$223,200** will be required."

.....
*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Economic Development Director (1)

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Human Resources

Add 1.00 Contract – Administrative Support GS 22

.....
*Motion made, seconded and unanimously carried to appoint Steve Gale to the Animal Shelter Advisory Committee by Mayor Raymond C. Caballero.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-045 South and Central Parks Improvements

Contractor:	Matyear Construction Company, Inc.	
	El Paso, TX	
Department:	Parks	
Funds Available:	Houston 31130550-PPW046031YR2-60034-508027	
	Acosta (Delta) 31130550-PPW0046037YR2-60040-508027	
Funding Source:	Quality of Life Bonds YR2000	
Items:	Base Bid I (Houston)	\$32,500.00
	Base Bid II (Acosta)	\$20,176.00
Total Award:		\$52,676.00

The Departments of Purchasing, Engineering, and Parks recommend the award of this contract to Matyear Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

*Motion made, seconded and unanimously to approve the request of Michael Wyatt to have a political rally on Durango Street in front of 2 Civic Center Plaza on January 21, 2003 from 9:00 a.m. to 10:30 a.m. Approximate 100-150 persons are anticipated. This request includes permission to use amplifiers. PERMIT NO. 03-001.

.....
Motion made by Representative Medina, seconded by Representative Cobos and unanimously carried to authorize budget transfers to move \$20,000 from contingency to the appropriate account to fund services from the TACE Center.

Representative Power explained the many facets of the TACE Center and requested that City Council approve the budget transfer to fund services provided by the TACE Center.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained the money would come from contingencies.

Ms. Rita Rodriguez, City Attorney, explained that the City Attorney's office would require additional consideration regarding the contract.

Mr. Charlie McNabb, Chief Administrative Officer, provided additional clarification and noted that changes to the Contract would be made and brought back to the Council Members for approval as an amendment to the Contract.

Representatives Sumrall, Cook and Medina commented.

.....
Motion made by Representative Power, seconded by Representative Cobos and unanimously carried that the City Council retire into EXECUTIVE SESSION at 1:02 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |

- A. Robert Mauro Rosas, Our File No. 02-PD-6-1B (551.071)
- B. Robert Dale Smith, Our File No. 02-PD-6-2M (551.071)
- C. City of El Paso vs. Kimberly Heights Subdivision, Our File No. 03-P-01 (551.071)

Motion made by Representative Rojas, seconded by Representative Cook and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:20 p.m., during which time motions were made as follows:

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that City's claim entitled **Robert Mauro Rosas; Our File No. 02-PD-6-1B**, be **SETTLED** as recommended by the City Attorney.

Representatives Sumrall and Sariñana were not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that City's claim entitled **Robert Dale Smith; Our File No. 02-PD-6-2M**, be **SETTLED** as recommended by the City Attorney and that the Mayor be authorized to sign a property damage release to discharge Robert Dale Smith and ThyssenKrupp Elevator Co.

Representatives Sumrall and Sariñana were not present for the vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED TO FILE A LAWSUIT** regarding the **Kimberly Heights Subdivision** against property owners who are encroaching in the City right of way; Our File No. 03-P-01 as recommended by the City Attorney.

Representatives Sumrall and Sariñana were not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney's Office be Authorized to engage in settlement discussions regarding **Kimberly Heights Subdivision**; Our File No. 03-P-01 as recommended by the City Attorney.

Representatives Sumrall and Sariñana were not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 1:20 p.m.

Representatives Sumrall and Sariñana were not present for the vote.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk